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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,521	10/24/2003	Abraham Rosenberg	MS--816-2	9856

7590

06/15/2005

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,521

Applicant(s)

ROSENBERG, ABRAHAM

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 3 are objected to because of the following informalities: In claim 3, it is not clear if the connecting means are the same or something different than the connection means in claim 1. Until further clarification the claims have been examined as the connecting means and the connection means being the same. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,895,045 to VILAR in view of US Patent #2,057,942 to FAY. VILAR discloses the use of a prefabricated structure including a first plurality of walls (20,32), a second plurality of walls (22), a first connection means (96,98,100,102) disposed to connect the

Art Unit: 3635

plurality of first walls (20,32) to the plurality of second walls (22), a second connection means (36,38,40,42) disposed to connect the first walls (20,32) to other first walls (20,32), and a third connection means (48,50,52,54) disposed to connect the plurality of second walls (22) to another plurality of second walls (22). VILAR discloses the basic claimed structure except for explicitly forming a house. FAY teaches that it is known in the art to use similar building elements to form a housing structure. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the elements of VILAR are capable of forming a house, as taught by FAY. In reference to claims 2 and 13, the wall members of VILAR are either square or triangular; however, FAY teaches that it is known in the art to form wall members of a housing structure using rectangular members, see figure 3 of FAY, wherein the members have short and long sides. Regarding claim 3, the short and long edges of VILAR, as modified by FAY, would have connection means (96,98,100,102) and (36,38,40,42) disposed thereon. In reference to claim 4, the connection means includes first projecting portions (40,42) and (100,102) and second projecting portions (52,54). Regarding claims 5-7, the connection means of VILAR are interconnecting, interlocking, interdigitating means. In reference to claims 8,11,12, the wall members (20,32) and (22) are planar, plastic members, column 4, line 48 of VILAR, and hollow, as modified by FAY, figure 1 of FAY. Regarding claims 9 and 10, although both VILAR and FAY are silent, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the structures of VILAR, as modified by FAY, are capable of withstanding forces imposed thereon in both a perpendicular direction and a parallel

Art Unit: 3635

direction. In reference to claim 13, as seen in figure 3, of FAY, the rectangular members have a short straight edge. Regarding claim 14, VILAR further discloses the use of a plurality of first channels (76,82) and a second plurality of channels (104). In reference to claims 15 and 16, as seen figure 4 of VILAR, the edges of the panels are received in the channels (76,82) and (104). Regarding claim 17, VILAR discloses the use of a triangular member 22, and FAY teaches using a triangular member to form a roof. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the member (22) of VILAR, as taught by FAY, to form a roof. In reference to claim 18, neither BIALR or FAY discloses a door; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made that any of the members (20,32) of VILAR are capable of being doors wherein the door are "slid" into engaging relationship with one another through the connection means (96,98,100,102) and (36,38,40,42) in first plurality of walls (20,32).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Examiner
Art Unit 3635
6/12/05